

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

REBECCA FINLEY,
Plaintiffs,

v.

Case No. 2:07-cv-236
HON. R. ALLAN EDGAR

MANOR CARE OF KINGSFORD,
MI, L.L.C.
Defendants.

Plaintiff is requesting oral argument, pursuant to Local Rule 7.2(d) of the Western District of Michigan.

Plaintiff's counsel spoke with Defendant's counsel on August 26, 2008, to ascertain whether they would be opposing this motion, in compliance with Local Rule 7.1(d) of the Western District of Michigan. Defendant's counsel indicated they would oppose this motion.

**PLAINTIFF'S MOTION FOR SUMMARY DISPOSITION
AND REQUEST FOR ORAL ARGUMENT**

NOW COMES Plaintiff, Rebecca Finley, by and through her attorneys, Mouw & Celello, P.C., and hereby states in support of her motion for summary disposition the following:

1. That the Plaintiff was employed by the Defendant until she was discharged on February 12, 2007.
2. That the Plaintiff was entitled to certain rights under the FMLA, and those rights were interfered with by the Defendant.
3. That the Plaintiff was entitled to certain rights under the FMLA, and that the Plaintiff was discharged and/or discriminated against for attempting to use those rights.
4. That the Plaintiff had fully complied with all requirements of the FMLA that were

appropriate to her situation.

5. That the Defendant, for the various reasons discussed in the brief in support of this motion, violated the FMLA, more specifically 29 U.S.C. § 2615(a)(1) & (2).

6. That no genuine issue of material fact exists with respect to any of the analyses detailed in the brief in support of this motion, and therefore the Plaintiff requests summary disposition in her favor pursuant to Federal Rule of Civil Procedure 56.

7. That the Plaintiff is further requesting oral argument on this motion, pursuant to Local Rule 7.2(d) of the Western District of Michigan.

WHEREFORE, the Plaintiff requests that this motion be granted and she be afforded all relief requested in her Complaint, as well as any and all other relief that this court deems just and equitable. This motion is supported by the Plaintiff's Brief In Support and Exhibits A through N, attached to that brief.

Dated: 08/26/08

/s/ _____
Robert A. Pirkola (P70785)
MOUW & CELELLO, P.C.
Attorney for Plaintiff
P.O. Box 747
Iron Mountain, MI 49801
(906)774-2480
rap@mouwcelello.com